

Appl. No. 09/532,398

**REMARKS**

Claims 1-15 were rejected. Claims 16-29 are allowed. Claims 1, 10, 16, 19, 21, 23, and 28 been amended herein, the remaining claims stand as originally filed or previously presented. The applicants request reconsideration of all rejected claims.

**I. Rejection of Claims 1-15 Under 35 U.S.C. §112, First Paragraph**

Claims 1-15 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The rejection is based on the use of the terms "simulation circuit" and "simulating an illumination source using a circuit." The office action relies on a definition of "simulation" provided in a Microsoft Press Computer Dictionary to maintain the rejection. The computer dictionary states that a simulation involves a computer.

The applicants note that the dictionary used by the examiner is extremely narrow and, as its title states, is focused on computers. The applicants note that the cited dictionary defines the word "dot" as related to computers and not to broader, well-known meanings. Likewise, the common word "clock" as defined in the dictionary clearly would not encompass a common analog wall clock. Furthermore, the term "simulation" cannot be limited to computer simulations. One of the problems with the definition provided by the computer dictionary is that the term simulation would have to have been defined after the advent of the computer.

The applicants note the following definition of the term "simulation" is provided in Webster's Ninth New Collegiate Dictionary, published by Merriam-Webster, Inc. 1991:

1: the act or process of simulating: FEIGNING:

2: a sham object: COUNTERFEIT:

Docket No. 10991888-1

7

**BEST AVAILABLE COPY**

Appl. No. 09/532,398

3 a: the imitative representation of the functioning of one system or process by means of the functioning of another <a computer ~ of an industrial process> b: examination of a problem often not subject to direct experimentation by means of a simulating device

Based on the more common definition of "simulation" it is clear that the circuit simulates the LEDs. For example, the circuit is an imitative representation of the functioning of one system (the LEDs) or process by means of the functioning of another (the circuit). Thus, the circuit is a simulation of the LEDs and the claims are enabling.

For the reasons stated above, the applicants contend that the rejection has been overcome.

## **II. Claim Interpretation**

The applicants agree with the office action in that the simulation circuits model an illumination source. The applicants disagree with the office action regarding the assertion that the simulation circuit is disclosed by the cited art.

## **III. Rejection of Claims 1-5, 8-12, and 15 Under 35 U.S.C. §102(b)**

Claims 1-5, 8-12, and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Murayama (U.S. 6,130,700).

Appl. No. 09/532,398

## CLAIM 1

Claim 1, as amended herein, is copied as follows:

An image capture device, comprising:  
an illumination source connected to a power source;  
a simulation circuit, wherein said simulation circuit simulates said illumination source, said simulation circuit comprising a circuit output and a circuit input, wherein said circuit input is connected to said power source;  
and  
an exposure adjustment device coupled to said circuit output, wherein exposure adjustment device compensates for changes in said illumination source as indicated by said circuit output.

As shown above, claim 1 includes an illumination source and a simulation circuit. The simulation circuit simulates the illumination source. The exposure adjustment device "compensates for changes in said illumination source as indicated by said circuit output."

According to the office action, the simulation circuit of claim 1 is disclosed in Murayama in the summary, column 9, line 20 to column 14, line 49, and Figs. 2-6. More specifically, the office action states that the aforementioned portions of Murayama disclose an illumination source circuit model that is functionally equivalent to the claimed limitation.

The applicants do not understand where the model mentioned in the office action appears in Murayama. None of the portions of Murayama cited by the office action disclose or even mention anything similar to a model. Murayama discloses measuring temperature, but there are no simulation circuits or models disclosed. Should this rejection be maintained, the applicants request that the model cited in the

Appl. No. 09/532,398

office action be described in greater detail so that the applicants have a chance to rebut the rejection.

Based on the foregoing, the applicants contend that the rejection to claim 1 has been overcome.

#### CLAIMS 2-5

Claims 2-5 are dependent on claim 1 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

#### CLAIM 8

Claim 8 is independent and is restated as follows:

A method of compensating for changes in an illumination source, said method comprising:

simulating said illumination source using a circuit, said circuit comprising an input and an output;

applying a potential to said illumination source and the input of said circuit;

monitoring the potential of the output of said circuit; and

adjusting an exposure to compensate for changes in said illumination source based on said potential of the output of said circuit.

Claim 8 was rejected on the same grounds as claim 1. Therefore, the rebuttal to the rejection of claim 1 is incorporated into this rebuttal. Claim 8 includes the element of "simulating said illumination source using a circuit, said circuit comprising an input

Appl. No. 09/532,398

and an output." As stated above, there is no simulation circuit disclosed in Murayama. Therefore, there can be no "simulating" as claimed. Should this rejection be maintained, the applicants request that the modeling or simulation circuit of Murayama be described in greater detail because it is not clear to the applicants.

Based on the foregoing, Murayama does not disclose all the elements of claim 8 and cannot anticipate claim 8. Therefore, the applicants request reconsideration of the rejection.

#### CLAIMS 9-12 AND 15

Claims 9-12 and 15 are ultimately dependent on claim 8 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

#### IV. Rejection of Claims 1-5, 8-12, and 15 Under 35 U.S.C. §103(a)

Claims 1-5, 8-12, and 15 were rejected under 35 U.S.C. §103(a) as being obvious in view of "Solid State Devices and Applications", F. Driscoll, pp. 370-380, Prentice-Hall Inc., 1975.

According to the office action, the term "simulation" refers to a computer simulation. As set forth in section 1 of this response, the office action relied on a very narrow definition of "simulation" set forth in a computer dictionary. As also set forth above in section 1 of this response, the definition of "simulation" as used in the office action is not correct. The term as used herein is much broader than the definition supplied by the computer dictionary cited in the office action.

The office action states that it would have been obvious to create a computer model of the illumination source based on the teachings of Driscoll. The applicants note that a computer model is not claimed. A simulation circuit or simulating an

Appl. No. 09/532,398

illumination source using a circuit are claimed. These circuits are not computer algorithms, but are circuits. Therefore, Driscoll, even combined with Murayama, does not render the claims obvious.

Based on the foregoing, the applicants request reconsideration of the rejections of claims 1-5, 8-12, and 15.

**V. Rejection of claims 6, 7, 13, and 14 Under 35 U.S.C. §103(a)**

Claims 6, 7, 13, and 14 were rejected under 35 U.S.C. §103(a) in further view of "Microelectronic Circuits", A. S. Sedra, Holt, Rinehart, and Winston, Inc. pp. 193-194, 1987.

Claims 6, 7, 13, and 14 are dependent on allowable independent claims and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

All of the currently pending claims are believed to be in condition for allowance, and the applicants respectfully request that a timely Notice of Allowance be issued.

**VI. Amendments to Claims 16, 19, 20, 21, 23, and 28.**

Claims 16, 19, 21, 23, and 28 have been allowed. The amendments provided herein are solely to correct typographical errors and for clarification. The amendments do not broaden any of the claims.

Appl. No. 09/532,398

Based on the foregoing, the applicants contend that all pending claims are in condition for allowance and request a notice to that effect.

Respectfully submitted,  
KLAAS, LAW, O'MEARA & MALKIN, P.C.

Dated: November 2, 2004

By:



Robert W. Nelson  
Registration No. 37,898  
1999 Broadway, Suite 2225  
Denver, CO 80202  
(303) 298-9888  
Fax: (303) 297-2266

Docket No. 10991888-1

13

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**